



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

TECH CENTER 1600 2900

AUG 22 2001

RECEIVED

In re Application of:)
Gilmore)
Serial No.: 09/004,395) Group Art Unit: 1645
Filed: December 23, 1996) Examiner: N. Minnifield
) Docket No. 97,429

For: **RECOMBINANT P37/FLAA AS A DIAGNOSTIC REAGENT**

COMMUNICATION

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is filed in response to the Communication Regarding Appeal mailed on July 13, 2001 in the above-mentioned case. It is believed that no fee is due in connection with this filing; however, if a fee is due please charge our deposit account number 13-2490.

The Communication from the Office indicated that the Appeal Brief filed on June 22, 2001 was dismissed and the application abandoned. The undersigned talked by telephone with Examiner Minnifield on August 8, 2001. Examiner Minnifield indicated that the Communication from the Office was in error and that the Appeal was not dismissed. Examiner Minnifield stated that the application was pending and that the Appeal Brief was entered. As such, it is believed that the Applicants are not required to take any further steps at this time.

Respectfully submitted,

Date: August 13, 2001

By 
Lisa M.W. Hillman, Ph.D.
Reg. No. 43,673

**MCDONNELL, BOEHNEN,
HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, IL 60606**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231, on August 13, 2001.





PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(MBHB Case No. 97,429)

In re Application of:)
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Gilmore)
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Serial No.: 09/004,395) Examiner: N. Minnfield
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Filed: December 23, 1996) Art Unit: 1645
)
For: **Recombinant P37/FLAA as a**)
 Diagnostic Reagent)

TRANSMITTAL LETTER

Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Communication
 - b) Return postcard
2. With respect to fees:
 - a) No fee is due.
3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on August 13, 2001.

Respectfully submitted,